IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 11902 of 2007(P)

PETITIONER:

VINODLAL, AGED 37 YEARS,
(OVERSEER, KSRTC, TRIVANDRUM)
S/O.PURUSHOTHAMAN, THOPPIL HOUSE, KAZHIVOOR,
THIRUVANANTHAPURAM.

BY ADV. SRI.VINOD SINGH CHERIYAN
SRI.R.SUDHISH

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY THE MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

2. MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.JOHNSON P.JOHN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.11902 OF 2007

Dated this the 29th day of June, 2007

JUDGMENT

Petitioner was appointed as an Overseer in the Kerala State Road Transport Corporation for a period of one year on contract basis. Ext.P2 order issued by the Corporation in this regard unambiguously shows that he was appointed for a period of one year only with effect from the date of joining of duty. It was agreed that petitioner would be paid consolidated remuneration of Rs.5,000/- per month.

2. It appears that the Corporation had on expiry of the one year period extended the term by one month. The period was again extended by another month. In the meanwhile, the Corporation had taken steps to engage Overseers from among its qualified employees. It is contended by the petitioner that the Corporation is not justified in terminating his contract. It is his contention that the petitioner is entitled to continue till the project for which he had been engaged is over. He impugns Ext.P4 order by which he has been disengaged along

with two other overseers.

3. Learned counsel invites my attention to Ext.P5 which is stated to be a true photocopy of the minutes of the Board of Directors of the Corporation. In Ext.P5, it is seen that the Board of Directors had resolved to post one Project Engineer, Assistant Engineer, Overseer, etc. till the project works were completed. The contention of the petitioner appears to be that till the project in connection with which he was appointed as Overseer was completed, the Corporation is bound to engage him. In other words, the contention is that the Corporation is not entitled to terminate the contractual engagement. I am unable to agree with this proposition.

4. It is not in dispute that petitioner had accepted his engagement with his eyes wide open. He knew that his engagement was for one year on a consolidated monthly remuneration. It may be true that the Corporation had extended his tenure for two more months but it was for the reason that the Corporation wanted to identify and engage qualified hands from among its own employees to be

appointed as Overseers on working arrangement as could be seen from Ext.P6. Similarly petitioner cannot be heard to say that the action of the Corporation is discriminatory since an Assistant Engineer who was engaged along with is allowed to continue while Overseers like him have been disengaged.

5. I do not find any merit in the contentions raised by the petitioners. Writ petition fails and it is accordingly dismissed.

At this stage learned counsel for the petitioner submits that the dismissal of this writ petition may not stand in the way of the petitioner to seek further engagement in the Corporation in future. I do not find any reason why the Corporation would not consider the request, if any, that may be made by the petitioner to be engaged as an Overseer in future, if such an occasion arises.

A.K.BASHEER, JUDGE

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